

REMARKS

The present application includes claims 1-22 and 29-32. Claims 23-28 were cancelled since they were directed to a withdrawn invention. Claims 33-36 are new. Claims 3, 6, 22 and 29 were amended.

Claims 8 and 16 stand rejected under 35 USC 112, first paragraph, as lacking enablement. The Examiner stated that it is not clear how the salary history is stated for a college graduate with no employment. Applicant respectfully traverses the rejection. Claim 8 requires that at least some of the records include a salary received by the worker represented by the record, and not that all the records include a salary received by the worker. Those skilled in the art would know to choose any of an assortment of well known methods for representing unemployed workers. These well known methods could include, for example, use of empty values, use of zero values, use of statistical estimates and/or use of a requested salary. Such procedures are well known in the art and are not required to be stated in the application.

Regarding claim 16, the Examiner states that it is not described how to display a graph when some of the values are not defined. Applicant respectfully states that various methods are known in the art for generation of graphs with problematic data, including exclusion of outlier values, use of estimate values and smoothing of the graph. Any person skilled in the art would be able to select one or more of these and/or other methods which are well known in the art, in order to implement the requirements of claim 16.

Claim 16 stands rejected under 35 USC 112, second paragraph, as lacking clarity. The Examiner stated that all records are different by at least one attribute and therefore the limitation is directed at graphing the salaries of all the applicants. Applicant respectfully traverses the rejection.

Claim 16 requires determining one or more attributes which differentiate between the matching records and displaying a graph which shows an average salary of the matching records depending on the one or more attributes. Claim 16 does not require determining all the differentiating attributes but rather requires determining one or more attributes. Those

skilled in the art would realize that the attributes to be determined are those which best serve the generation of a graph, which provides significant data.

Claims 1-5 stand rejected under 35 USC 102(a) and 102(e) as being anticipated by U.S. patent 5,978,768 to McGovern et al. Applicant respectfully traverses the rejection and states that the Examiner has not established a *prima facie* case of anticipation regarding the claims, since McGovern lacks at least one limitation of claim 1.

Claim 1 requires providing a worker record which includes one or more fields describing a worker and one or more fields describing a position desired by the worker. In contrast, McGovern only includes fields describing a position desired by the worker in the entered information on the search page (col. 13, lines 27-40 and col. 15, lines 1-3 and 66-67) and does not include a description of the worker. The description of the worker is only provided separately, at a later time, when the worker shows interest in a specific job (col. 15, lines 56-58 and col. 17, lines 30-43).

Furthermore, claim 1 requires automatically determining by a processor whether the job opening in the record matches the position desired by the worker and whether the worker description matches the job opening in the record. McGovern only searches if the job opening matches the position desired by the worker, and does not determine whether the description of the worker matches the job position.

Applicant notes that the teachings of McGovern are similar to those listed in the background section of the present application on page 1, lines 20-21.

The dependent claims are allowable at least by virtue of independent claim 1. Nonetheless, at least one of the independent claims adds further patentability over McGovern. Claim 2, for example, requires displaying data from job opening records that both match the position desired by the worker and to which the worker description matches. In contrast, McGovern displays records that match the desired position, without relation to whether the worker matches the position.

Claim 3 was amended to clarify that the displaying is to the worker and not to the employer. This requirement was implicit in the claim, as being dependent on claim 2, and was made explicit for clarity and in view of the changing of the dependence of the claim to direct

dependence on claim 1. Claim 3 was also amended to broaden the claim to depend on claim 1. Claim 3, as amended, requires displaying each job opening record along with an attitude of the employer toward the worker. McGovern in col. 17, lines 44-58, referred to by the Examiner, allows the employer to indicate an attitude, but does not teach or suggest displaying the attitude to the worker as part of a list of matching job records, as required by claim 3.

New claims 35 and 36 were added to further define the invention.

Claims 6-9, 12-15 and 19-22 stand rejected under 35 USC 102(a) and 102(e) as being anticipated by U.S. patent 5,978,768 to McGovern et al.

Claims 10 and 16 stand rejected under 35 USC 103(a) as being unpatentable over U.S. patent 5,978,768 to McGovern et al.

Claims 11, 17 and 18 stand rejected under 35 USC 103(a) as being unpatentable over U.S. patent 5,978,768 to McGovern et al., in view of Puram et al.

Claim 6 was amended to require both determination of worker database records that match a job opening and job opening records that match a worker profile.

In contrast, McGovern only checks if a job opening matches desires of a worker (Col. 13, lines 27-40) and does not check if a worker profile matches a job opening. Such determination of whether the worker profile matches the job opening is performed in McGovern manually by the employer (col. 17, lines 47-58 and col. 18, lines 39-55). Puram, on the other hand, only relates to selection of candidates whose worker profile matches a job opening (col. 1, lines 7-14) and does not match the desires of a worker to the job opening.

The dependent claims are allowable at least by virtue of independent claim 1. Nonetheless, at least some of the dependent claims add further patentability over McGovern. Claim 7, for example, requires providing by the processor suggested changes in the description of the job opening such that the description matches a desired set of one or more records. This is not taught or suggested by McGovern. In col. 10, lines 27-46, referred to by the Examiner, McGovern merely states that the employer can amend the job opening description and does not relate to automatic suggestion of changes by a processor.

Claim 16, for example, requires determining one or more attributes which

differentiate between the matching records. The Examiner has stated that graphing of information is well known, but has not shown any reference that teaches determining for worker profiles that match a job opening, one or more attributes that differentiate between the matching worker profiles. Neither has the Examiner shown any reference that teaches determining average salaries for worker profiles that match a job opening. Absent a showing of these requirements, the Examiner has not established a *prima facie* case of obviousness.

Claim 22 was amended to require that the notifying of the workers that the data was displayed is performed automatically. This is not taught or suggested by the McGovern. Col. 18, lines 11-22, relates to aiding the hiring contact in generating an e-mail response and not to automatic notification responsive to the display.

Claims 29-31 stand rejected under 35 USC 102(a) and 102(e) as being anticipated by U.S. patent 5,978,768 to McGovern et al. Claim 32 stands rejected under 35 USC 103(a) as being unpatentable over U.S. patent 5,978,768 to McGovern et al.

Applicant respectfully traverses the rejection and states that the Examiner has not established a *prima facie* case of anticipation regarding claim 29, since McGovern lacks at least one limitation of claim 29. Claim 29 was amended for clarity to state that "the record" is a job opening record. This amendment does not change the scope of the claim and was added only to specifically indicate the record referred to. This was already implicit in the claim as filed, since in the context, this is the only record that could be referred to.

Claim 29 requires displaying information from one or more job opening records which match the worker record along with an indication of the attitude of an employer generating the job opening record, toward the worker description. In contrast, col. 17, lines 44-58, of McGovern, relates to displaying a resume (which at most could be considered a worker profile) along with an employer score. McGovern does not teach or suggest displaying a job opening record with an attitude of the employer toward the worker description.

The dependent claims are allowable at least by virtue of independent claim 29. Nonetheless, at least some of the dependent claims add further patentability over McGovern. Claim 30, for example, requires displaying an indication that the worker record was viewed by the employer. This is not taught or suggested by McGovern. The fact that McGovern

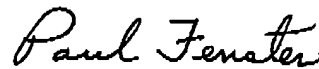
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displays the resume to the employer does not teach or suggest displaying an indication that the resume was viewed.

New claim 33 requires displaying a plurality of job opening records concurrently. New claim 34 requires displaying the information to a worker. Neither of these requirements is taught or suggested by McGovern.

In view of the above remarks, applicant submits that the claims are patentable over the prior art. If the Examiner does not agree regarding one or more of the claims, but is of the opinion that a telephone conversation may forward the present application toward allowance, applicant respectfully requests that the Examiner call the undersigned at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

Respectfully submitted,
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